THE PROACTIVE FISHERMEN'S PLAN
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Site Profiles for the Proactive Fishermen's Plan

Overview
This plan was drafted with input from the Commercial Fishermen of Santa Barbara Inc., Sea Urchin Harvesters Association of California, as well as individual fishermen in the Santa Barbara and Ventura areas. While these organizations and individuals generally support the concepts of the Proactive Fishermen's Plan, there is not unanimous consensus to formally endorse the Plan. Various individuals and organizations have endorsed parts of the Proactive Fishermen's Plan at public hearings of the California Fish and Game Commission.

The following section is a detailed description of the proposed State Marine Reserves and State Marine Conservation Areas. Note that site descriptions are for entire Proposed State Marine Reserve areas and Conservation areas (Phase I and II).

Richardson Rock, San Miguel Island, State Marine Reserve (proposed)

Criteria and Rationale
Under the Agencies' preferred Alternative, the Richardson Rock State Marine Reserve impacts rockfish fisheries, reducing economic yield by an estimated 8.9 percent. The cumulative impact to rockfish in the Agencies Preferred Alternative is 22.3 percent. This is more than double the fisheries goal of keeping economic impacts close to ten percent. The Proactive Fishermen's Plan moves the reserve boundaries to state waters to reduce economic impacts to rockfish. The Fisheries Plan still captures the majority of core quality habitat surrounding Richardson Rock. This is consistent with the intent of the Channel Islands National Marine Sanctuary (CINMS) Marine Reserves Working Group (MRWG) discussions on assuring that the habitat surrogate for species of interest, such as rockfish, were adequately represented.

Characteristics
Richardson Rock is the most remote offshore pinnacle in the Northern Channel Islands. The site has unique deep-water high-relief habitat and is the heart of major ocean current flowing into region. This area attracts marine mammals, seabirds and many vertebrate and invertebrate fauna.

Harris Point, San Miguel Island, State Marine Reserve (proposed)

Criteria and Rationale

The Proactive Fishermen's Plan encompasses close to fifty percent of the North facing area of San Miguel Island, and a significant portion of the western shore of San Miguel will also be set aside. The Proactive Fishermen's Plan captures an abundance of quality representative habitat. Sensitive bird habitat around Prince Island and a National Park Kelp Forest Monitoring site will be in the Proposed Reserve. The Proactive Fishermen's Plan will help alleviate disproportionate and excessive impacts to the Red Crab, Prawn

and Sea Urchin fisheries as well as address recreational congestion on the north side of San Miguel Island.

Under the Agencies Preferred Alternative, about ninety percent of the north facing portion of San Miguel Island will be closed. The north facing side of San Miguel is the favored area for recreational fishing and diving at San Miguel Island. The Preferred Alternative will create major congestion and excessive impacts to the remaining open area in Cuyler Anchorage. The Preferred Alternative also creates excessive impacts to the commercial Red Crab fishery by eliminating almost all the Red Crab fishing grounds at San Miguel Island and violates the Sustainable Fishery Goal adopted by the MRWG.

Characteristics

This proposed reserve consists primarily of exposed north facing rocky coastline. Deep shelf and rocky habitats are well represented, as are exposed sandy beaches and sandy coves. Habitat around Harris Point is expansive rocky bottom with a few high relief rocks and pinnacles. Shoreline of Prince Island is rocky and exposed with persistent giant kelp and surfgrass on the Cuyler Harbor side of Prince Island.

Judith Rock, San Miguel Island State Marine Reserve (proposed)

The Proactive Fishermen's Plan endorses the agencies' boundaries for this site. The Proactive Fishermen's Plan recommends an additional Kelp Forest Monitoring site for this Reserve.

Carrington Point, Santa Rosa Island

Criteria and Rationale

The area outside one mile of Carrington Point is critical habitat for the Halibut Set Net Fishery and White Sea Bass Drift Fishery. Under existing regulations these fisheries are not allowed inside of one mile; this has created a very limited amount of fishing grounds at the Channel Islands and, in fact, throughout the entire Santa Barbara Channel, for these fisheries, therefore further consideration is needed for these two fisheries. The Proactive Fishermen's Plan will allow the Halibut Set Net and White Sea Bass fisheries to remain sustainable, and reduce excessive economic impacts and congestion to Lobster, Crab and Sea Urchin. The Proactive Fishermen's Plan captures adequate representative habitat at Carrington Point, including Beacon Reef and all of the highly diverse near shore habitats included in the Agencies Preferred Alternative.

Under the Agencies Preferred Alternative, the Halibut Set Net fishery will lose eighty percent of their remaining grounds and no longer be a sustainable fishery at the Channel Islands. This is a violation of the Sustainable Fisheries Goal adopted by the MRWG. The White Sea Bass driftnet fishery in this area will be heavily impacted along with Crab, Lobster and Sea Urchin. The Agencies Preferred Alternative will create congestion and excessive economic impacts for the Lobster and Crab Fishery. The Proactive Fishermen's Plan addresses these disproportionate impacts to selected fisheries while maintaining good representation of the habitats intended to be captured by the Agencies Preferred Alternative.

CARRINTON PT CONSERVATION AREA (proposed)
Rockfish will be prohibited in the Carrington Point conservation area.

South Point, Santa Rosa Island

Criteria and Rationale

The Proactive Fishermen's Plan moves the Western Boundary eastward about 300 yards to the original boundary area agreed upon in the MRWG near-final plan. The original boundary line was specifically drawn on the first rock outcropping east of Cluster Point. The offshore reef associated with Cluster Point is very productive reef and runs in an east to west orientation. If the boundary is placed at Cluster Point, a major portion of this reef is no longer accessible to fisheries, creating additional economic impacts and congestion specifically for Lobster and Urchin fisheries. The original boundary was established just below Cluster Point to avoid encroachment on the proposed reserve and minimize economic impacts to these two fisheries.

In the Agencies Preferred Alternative, the western boundary of the MRWG plan was moved westward to Cluster Point, contrary to the Agency "response to Constituent Input" that states the boundary was not moved west.

Gull Island, Santa Cruz Island State Marine Reserve (proposed)

The Proactive Fishermen's Plan endorses the agencies' boundaries for this site.

Footprint State Marine Reserve (proposed)

The Proactive Fishermen's Plan endorses the agencies' boundaries for this site. *We recommend consideration for a limited conservation area in Phase II to allow Prawn trapping or an adequate capacity reduction or mitigation plan implemented prior to Phase II implementation.*

Scorpion, Santa Cruz Island State Marine Reserve, Scorpion Conservation Areas East and West, East Anacapa Island, State Marine Reserve and West Anacapa Island State Marine Conservation Area (proposed)

Criteria and Rationale

This region presented the most challenge in developing a reserve design. The area is in the most sheltered region of the Islands with the easiest access for sport and commercial fishermen. There was strong resistance to any reserve proposals. The goal of a network design suggested to us that we look at this area as a distinct region and use our creativity. By looking at the area as a specific region we came up with the concept that balances fisherman's interests with conservation interests for potentially higher value of conservation overall. We take an approach based on the unique geophysical features of the area. The Easter end of Santa Cruz and Anacapa is really one large area of connected

reef systems that includes the footprint's unique pinnacles. By taking the Scorpion Reef and the Reef on the Eastern End of Anacapa that sits next to the Hueneme Canyon we are splitting up a reserve that is comparable in size to the Gull Island reserve. Both areas have complete representative habitat on their own. When you add in the area of the footprint you have a combined area of around 50 square miles in this region without putting to large of a burden on fishing interests. By adding on proposed conservation zones you greatly enhance the benefit for the area. While minimizing undue impact to the fisheries that operate in the area that are not candidates for stock rebuilding in the region pelagic fisheries for sport, wet fish, squid and lobster for commercial. We are recommending that restrictions on hooks be discussed in the MLPA for the conservation zones. The rationale for the creation of these sites is that of a network with in a network for research purposes.

This area has the most accessibility to monitor the replenishment theories being tested. The strong currents that run parallel to the North and South sides of the Islands and wrap around the Points converging in the Anacapa Passage. The local currents change with the tide and are intensified by the convergence. Local knowledge of fishermen that work these area shows the sites we propose are connected by both steady currents and the benthnic habitats.

The agency plan places an unnecessary burden on the lobster fishery by congesting it on the North side. The seasonal opener that most of the small boat fleet depends on is really a pulse fishery that only lasts for about two months while lobsters have aggregated on the beech. The fishery opener is really confined spatially from Chinese Harbor East. By closing so much of the North side as the agencies propose the small boat "mosquito" fleet will be impacted hardest.

Scorpion Conservation Areas East and West and Anacapa Island State Marine Conservation Area (proposed)

The Proactive Fishermen's Plan endorses Agencies management criteria for these Conservation Zones.

PHASING IN MARINE RESERVES AT THE CHANNEL ISLANDS NATIONAL MARINE SANCTUARY (CINMS) -FOLLOWING THE MARINE RESERVES WORKING GROUP (MRWG) -CONSENSUS GOALS AND OBJECTIVES

<u>Meeting Goals and Objectives</u>

The consideration of placing, implementing and enforcing marine no-take zones at CINMS by MRWG made significant progress toward a consensus solution. In looking forward to how best to achieve the goals and objectives the MRWG adopted, an issue has been raised but generally overlooked that will need to be addressed to achieve a recommendation for marine reserves that the fisheries can support.

The recommendation should be cognizant of and sensitive to the concept of minimizing the short-term economic impacts to community segments that depend on access to CINMS resources for their livelihoods. In order to balance these goals and achieve them

simultaneously, implementing a reserve network/system a portion at a time, rather than all at once, has much to offer. The following information supports the phasing concept.

At its core, the procedure of phasing in marine reserves will help significantly to minimize the social and economic disruption of coastal communities by allowing time for harvesters, buyers, processors, retailers and consumers of locally-caught seafood to adapt to the reduction in fishing effort that will ultimately accompany the implementation of a science-based and well-designed marine reserve system within the Channel Islands National Marine Sanctuary (CINMS). It will also have the added benefit of enhanced support and participation from the commercial and sport-commercial fisheries at the Islands, because they will be able to better respond in changing their business plans to accommodate the increased restrictions on access to traditional harvest areas.

Phasing in marine no-take zones will minimize the necessity of intervention by government in massive social engineering programs such as permit or vessel buybacks for harvest capacity reduction, retraining, and other similar programs like that used in implementing the Marine Life Protection Act of 1990. Proposition 132 (the gillnet initiative), which had the inadvertent effect of relocating many of the remaining gillnet vessels to the Channel Islands and/or Mexico, allocated nearly one million dollars for gillnet equipment compensation in a buyout program. Absent phasing, ample precedent is available statewide, nationally and internationally to initiate a discussion of such buyback or retraining programs as an integral part of implementation of marine no-take zones at CINMS.

<u>Consistency with Marine Life Management Act and Marine Life Protection Act</u>

Phasing of marine reserves would allow the Department of Fish and Game and the Commission to optimally integrate both the Marine Life Management Act (MLMA) and Marine Life Protection Act (MLPA) goals with this CINMS-DFG joint effort, by allowing time for MLMA Fishery Management Plans (FMPs) to be developed, which will most certainly include capacity reduction programs. Early illustration of this capacity reduction inherent in new management plans is clearly evident in the Draft Nearshore Fishery Management Plan, the Draft White Seabass Management Plan, and the Draft Squid Management Plan currently under consideration by the Commission.

Phasing will also respond to both MLMA and MLPA goals and objectives *per se*, in particular, the provisions of MLMA Secs. 90.1, 7056 (j)-(m), 7059(a), especially (1) and (3), 7072(c), and 7074(a), as well as the provisions of MLPA Secs. 2853 c. (4) and (5), 2855 (c.) (1) – (4), and Sec. 2857 (a) and, most particularly, Sec. 2857 (e), which speaks directly to the ability of the Department to phase in marine protected areas. These sections are cited, below, for reference.

MLMA Sec. 90.1.
"Adaptive Management," in regard to a marine fishery, means a scientific policy that seeks to improve management of biological resources, particularly in areas of scientific uncertainty, by viewing program actions as tools for learning. Actions shall be designed

so that even if they fail, they will provide useful information for future actions. Monitoring and evaluation shall be emphasized so that the interaction of different elements within the system can be better understood.

MLMA Sec. 7056.
In order to achieve the primary fishery management goal of sustainability, every sport and commercial marine fishery under the jurisdiction of the state shall be managed under a system whose objectives include all of the following…
(j) The adverse impacts of fishery management on small-scale fisheries, coastal communities and local economies are minimized.
(k) Collaborative and cooperative approaches to management, involving fishery participants, marine scientists, and other interested parties are strongly encouraged, and appropriate mechanisms are in place to resolve disputes such as access, allocation, and gear conflicts.
(l) The management system is proactive and responds quickly to changing environmental conditions and market or other socioeconomic factors and to the concerns of fishery participants.
(m) The management system is periodically reviewed for effectiveness in achieving sustainability goals and for fairness and reasonableness in its interaction with people affected by management.

MLMA Sec. 7059
(a) The Legislature finds and declares all of the following:
(1) Successful fishery management is a collaborative process that requires a high degree of ongoing communication and participation of all those involved in the management process, particularly the commission, the department, and those who represent the people and resources that will be most affected by fishery management decisions, especially fishery participants and other interested parties…
(3) the benefits of the collaborative process required by this section apply to most fishery management activities including, but not limited to, the development and implementation of research plans, fishery management plans, and plan amendments, and the preparation of fishery status reports such as those required by Section 7065

MLMA Sec. 7072.
(c.) To the extent that conservation and management measures in a fishery management plan either increase or restrict the overall harvest in a fishery, fishery management plans shall allocate those increases or restrictions fairly among recreational and commercial sectors participating in the fishery.

MLMA Sec. 7074
(a) the department shall prepare interim fishery research protocols for at least the three highest priority fisheries identified pursuant to paragraph (4) of subdivision (b) of Section 7073. *[this includes nearshore rockfish]* An interim fishery protocol shall be used by the department until a fishery management plan is implemented for that fishery.

MLPA Sec. 2853

(c.) The program may include areas with various levels of protection, and shall include all of the following elements…
(4) Provisions for educating the public about MPAs, and for administering and enforcing MPAs in a manner that encourages public participation.

(5) A process for the establishment, modification, or abolishment of existing MPAs or new MPAs established pursuant to this program that involves interested parties, consistent with paragraph (7) of subdivision (b) of Section 7050, and that facilitates the designation of MPAs consistent with the master plan adopted pursuant to Section 2855.

MLPA Sec. 2855
(c.) The department and team, in carrying out this chapter, shall take into account relevant information from local communities, and shall solicit comments and advice for the master plan from interested parties on issues including, but not necessarily limited to, each of the following:
(1) Practical information on the marine environment and the relevant history of fishing and other resources use, areas where fishing is currently prohibited, and water pollution in the state's coastal waters.
(2) Socioeconomic and environmental impacts of various alternatives.
(3) Design of monitoring and evaluation activities.
(4) Methods to encourage public participation in the stewardship of the state's MPAs.

MLPA Sec. 2857
(a) [in part]…The department and team shall develop a preferred siting alternative that incorporates information and views provided by people who live in the area and other interested parties, including economic information, to the extent possible while maintaining consistency with the goals of Section 2853 and guidelines in subdivision (c) of this section.

2857 (e) The department and team may provide recommendations for phasing in the new MPAs in the preferred siting alternative.

<u>Integrated Coastal and Ocean Management</u>

Phasing can help the Commission deal with all three programs (CINMS-MRWG, MLMA, MLPA) in an integrated fashion, providing for a more rational and information-based decision-making process, and allows the Commission to address and minimize social and economic upheaval caused in coastal fishing communities by establishment of reserves, per the mandates of MLMA and MLPA. In addition, the Commission may wish to understand how these previously mentioned closures accumulate impacts with the recent PFMC cowcod stock rebuilding plan and its concomitant closure of over 4,000 square miles of the Southern California Bight.

Phasing in marine reserves eases the short-term pain of loss of income to fishermen, and provides industry members both advance warning and the time to seek other forms of employment, and/or better plan for economic changes.

Avoiding increased fishing pressure resulting from large no-fishing zones

Very importantly, phasing in marine reserves reduces the impact to the fish and shellfish resources, of the suddenly increased fishing pressure outside reserves caused by the simultaneous start-date of multiple, large no-take reserves. For example, if one third of the CINMS area were set aside without immediate concomitant reductions in harvest capacity, the instantaneous effect would be that the displaced one-third of the fishing effort would end up fishing congested alongside the remaining two-thirds of the fleet. This is equivalent to an instantaneous increase in fishing pressure of 50% (one-third divided by two-thirds) on fish and shellfish resources outside the reserves. It is not a condition that a competent resource manager would knowingly endorse.

A recent presentation by the Science Panel to the MRWG noted that one of the most fundamental assumptions regarding the efficacy of marine reserves for conservation purposes is that there should be no change in fishing effort outside the reserve boundaries (assuming effort is at or below r/2 to start with [r = intrinsic rate of growth of a fish stock]). The Georges Bank cod closures were accompanied by massive fleet capacity reduction efforts (vessel buybacks), and we learned from the Science Panel that these de-facto reserves for the scallop fishery on the Georges Bank have been effective in restoring scallop resources and, apparently, improving the fishery as well.
Reserve implementation without phasing and capacity reduction over the long-term essentially mandates an instant violation of this basic assumption about the status quo in fishing effort outside the reserve area in the current Agency Preferred Alternative.

Practicing Adaptive Management

From both the scientific and management perspectives, phasing allows better feedback/control information for adaptive management in monitoring, evaluation and assessment. As data is amassed from monitoring and assessment programs on the first-implemented phase of marine reserves, scientists and managers will have improved information on which to base specific siting and implementation protocols in subsequent phases. This is, at its core, the intent of the term "adaptive management" as defined in both the MLMA and MLPA. Ultimately, phasing promotes improved designs in subsequent reserve phases while improving the potential for "buy-in" by the harvest sector.

Addressing Concerns About Commitment to Science-Based Recommendations

In order to address the potential concerns of the scientific, management and conservation community, some of whom may view phasing as an extractive user's way out of implementing a large network of marine reserves, the Department and Commission should arrive at consensus on a commitment to the entire "package." This will assure all participants that the conservation goals and objectives of the various stakeholders will

ultimately be met in a way that also simultaneously achieves the MRWG consensus goal of minimizing short-term economic dislocations. Phasing will also avoid the resource depletion certain to occur without a phased design that also lacks a harvest capacity reduction component.

In short, implementing a network of marine reserves into the existing resource management framework a portion at a time accomplishes conservation goals, minimizes short-term economic losses, allows time for catch-up of the Marine Life Management Act and Marine Life Protection Act to achieve consistency with those new ocean mandates, offers a way for the California Fish and Game Department and Commission to achieve integration of at least three different ocean resource management efforts over the next three to five years, provides a mechanism to improve the feedback necessary for practicing adaptive management, and increases the likelihood of buy-in from those most likely to be negatively impacted in the trade-off game of benefits and impacts resulting from establishing marine reserves at CINMS. Phasing in marine reserves should be given serious consideration.

Phasing Options for the Proactive Fishermen's Plan

The Proactive Fishermen's Plan has a sub-option of Phasing. There are four types of performance criteria (Administrative, Monitoring, Biological and Timed) that can be adopted separately or in any combination with the Phasing sub-option.
The following are the four types of phasing criteria that can be adopted with the Proactive Fishermen's Plan.

Administrative Performance
After implementation of the Phase I network and the five years that elapse after actual closure, all the agencies that have regulatory or enforcement roles within the CINMS shall have demonstrated their commitment to enforcement, monitoring, assessment, evaluation, and administration *consistent with the MRWG Implementation Recommendation* of these Phase I marine reserves, including adequate funding and staff to do the requisite tasks.
The Department or responsible agencies shall develop the essential Fishery information for capacity goal planning consistent with the DFG Restricted Access Policy.

Monitoring Performance
Establish additional monitoring sites at Judith Rock, South Point, and Carrington Point reserve sites. These additional monitoring sites *shall* be added to the Channel Islands National Park Kelp Forest Monitoring Program and annual monitoring. Adequate baseline data *shall be* gathered at all near shore reserve sites prior to reserve establishment.

Biological Performance
After five years of total closure in the no-take zones, monitoring and evaluation of the information gained should begin to show evidence that the kinds of benefits touted for marine reserves worldwide (i.e., increases in biodiversity, maximum size of fish, population density and total biomass) are appearing in the selected reserve sites, at least

for the species that have shorter times to maturity and more rapid growth rate than the long-lived, slow-reproducing rockfish assemblage. Absent evidence of beneficial results, the Department and Commission, together with the Sanctuary and any scientific advisors appropriate, should re-evaluate the placement of these reserves and modify them adaptively in an attempt to improve their performance.

Timed Phasing
Proposed areas would be adopted and implemented in incremental stages on a predetermined timeline established by the FG Commission without administrative or monitoring performance contingencies.

Proposed areas would be adopted on a predetermined timeline to allow fishing business's the opportunity to

Proposed areas would be adopted and implemented in ~~two~~ phases on a predetermined timetable without administrative or monitoring performance contingencies.
Phase I Marine Reserves would be adopted and implemented.
Phase II areas would be implemented in five years or *on a predetermined timetable decided by decision makers.*

No Phasing
Under this option the proposed areas would be adopted and implemented with no time for fisheries to develop a Capacity Reduction Plan and use an incremental approach to allow fisheries to adjust to reduction of fishing grounds.

If the option of phasing is not used in the Fisheries Alternative the agencies should prepare a large-scale buy out program. Any future reserve recommendation that has economic impacts over five percent economic impacts should be phased to allow Fisheries to adjust to the reduction in harvest grounds.

This option is not preferred because it does not allow for the use of adaptive management strategies in Conservation Areas and does not allow time for fisheries to adjust to reduced fishing grounds and develop capacity reduction plans.

Proposed Phase I areas

Richardson Rock
Entire proposed area.

Harris Point
Harris Point to Orin Peak

Judith Rock
Entire Proposed area.

Carrington Point
Beacon Reef to Pier in Bechers Bay

South Point
South Point to Chickasaw

Gull Island
Morse Point to Laguna Canyon

Scorpion
Entire proposed area

Anacapa Island
Middle Reef to East End

Proposed Phase II Marine Reserves and Conservation Areas

Harris Point
Harris point to Marker Poles in Simonton Cove

Carrington Point
Additional Western area at Carrington Point

South Point
Additional Western area at South Point

Gull Island
Additional Western area at Gull Island

Carrington Point Conservation area

Conservation areas East and West of Scorpion Marine Reserve

Anacapa Island Conservation area